

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LADONNA ANDREWS,

Plaintiff,

CASE NO. 05-70693

HON. LAWRENCE P. ZATKOFF

v.

JOHN E. POTTER, Postmaster
General of the United States,

Defendant.

ORDER DENYING RECONSIDERATION

This matter is before the Court upon Plaintiff's Motion for Reconsideration of the Court's Order granting Defendant's Motion for Summary Judgment, issued January 31, 2007. For the following reasons, Plaintiff's Motion for Reconsideration is DENIED.

In its Order dated January 31, 2007, the Court found that it lacked subject matter jurisdiction over this case because Plaintiff had failed to exhaust her administrative remedies as is required to bring a claim for employment discrimination pursuant to Title VII of the Civil Rights Act of 1964. The Court found that Plaintiff did not wait the required 180 days after filing her administrative appeal of the Postal Service's final decision before bringing suit in federal court, which constitutes a failure to exhaust her administrative remedies.

Local Rule 7.1(g) states that in order to succeed on a motion for reconsideration, "the movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case." E.D. Mich. LR 7.1(g)(3). Moreover, "the court will not grant motions for ... reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." *Id.*

In her current motion, Plaintiff does not identify any palpable defects in the Court's ruling that warrant a different result. Specifically, Plaintiff does not address the fact that she filed her complaint before her administrative appeal was concluded. Plaintiff merely cites an administrative opinion from a separate case in which an administrative law judge found that the Postal Service had discriminated against an employee based on a disability. The Court concludes that Plaintiff's current motion simply restates the issues that were disposed of by its previous Order. Therefore, Plaintiff has not met her burden under the local rules. Accordingly,

IT IS ORDERED that Plaintiff's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: February 21, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 21, 2007.

s/Marie E. Verlinde

Case Manager

(810) 984-3290